

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 22, 2014

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 13MD-052

Maui

Rescind Prior Board Action of September 12, 1997, Item D-11, Regarding Issuance of Revocable Permit to Office of Historic Preservation for Maintenance and Restoration Purposes; and Issuance of Revocable Permit and Immediate Right-of-Entry to the Kaupo Community Association, Inc., for Landscape and Maintenance Purposes, Maalo-Kaumakalua, Kaupo, Hana, Maui, Tax Map Key: (2) 1-7-002:015.

APPLICANT:

Kaupo Community Association, Inc., a Hawaii domestic nonprofit corporation.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Maalo-Kaumakalua situated at Kaupo, Hana, Maui, identified by Tax Map Key: (2) 1-7-002:015, as shown on the attached map labeled Exhibit A.

AREA:

2.214 acres, more or less.

EXHIBITS:

Exhibit A- Tax map of the subject property.
Exhibit B- Photo report dated October 25, 2013.

ZONING:

State Land Use District:	Agriculture
County of Maui CZO:	Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered

CHARACTER OF USE:

Landscape and maintenance purposes

COMMENCEMENT DATE:

To be determined by the Chairperson

MONTHLY RENTAL:

Staff recommending minimum rent of \$40.00 per month as the planned use will be a benefit to the Kaupo community and its residents.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u> </u>
Registered business name confirmed:	YES <u>x</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u> </u>

AGENCY COMMENTS:

The following agencies have been solicited for comments with regards to this request:

Agency	Comments
Department of Health	No response
DLNR – Historic Preservation	No response
County of Maui – Planning	No response
County of Maui – Public Works	No comment
Office of Hawaiian Affairs	No response

REMARKS:

On July 9, 1971, under agenda Item F-1-b; the Land Board approved the issuance of a Revocable Permit (RP) to Randolph Castro for the use of a portion of the subject property that included a former teacher's cottage. Due to a default in maintaining rent payments and required insurance coverage, the revocable permit was terminated by Board action on August 24, 2012, Item D-7.

On September 12, 1997, under Item number D-11, the Board of Land and Natural Resources approved the issuance of an RP to the Office of Historic Preservation for maintenance and restoration of a portion of the premises, separate from the Castro RP area, which contained the former Kaupo school house.

On April 24, 2001, RP documents were transmitted to the State Historic Preservation Division. These documents were never executed. Follow-up correspondence dated April 13, 2005 and November 1, 2005 were mailed to SHPD requesting the status of the RP execution. Follow-up calls by staff to SHPD staff were made on September 25, 2008 and again in March, 2014 to inquire whether or not SHPD still wanted to pursue use of this property. Due to a lack of response, DLNR staff is now requesting that the Board action of September 12, 1997, under agenda Item D-11 be rescinded.

Recently this property had become overgrown with weeds and in March of 2013, the department staff accepted a request for issuance of a Revocable Permit to the Kaupo Community Association (KCA) from its board member, Ms. Jade Smith, in order to move forward with plans for the landscape and maintenance of the subject property. The KCA has agreed to accept responsibility for the property in "as is" condition and plans to maintain the

premises at its own cost. Issuance of the RP is an interim measure to ensure basic maintenance of the subject premises that will include monthly mowing of overgrown grass and weeds.

The long-term goal of the association is to work to establish an eleemosynary organization pursuant to IRS Code 501(c)(3). Upon certification of its tax exempt status, the KCA will then apply for a long term disposition for use of the subject premises and to also seek grant assistance for community building activities and restoration of existing historic structures. As part of the application process for a long-term disposition from the State, The KCA recognizes and accepts the responsibility to comply with provisions of HRS Chapter 343 related to Environmental Assessments.

The KCA envisions using the premises as a gathering place for community events, educational activities and other allied purposes such as emergency relief services. Kaupo is over 50 miles from central Maui where medical and emergency services are based. Having a satellite location for storage of emergency provisions and an emergency landing zone will significantly increase emergency response capabilities for the Kaupo Community.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

The proposed uses should have no significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that proposed landscape and maintenance activities would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

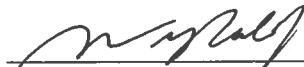
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Rescind prior Board action of September 12, 1997, under agenda item D-11.
3. Authorize the issuance of a revocable permit and immediate right-of-entry to the Kaupo Community Association, Inc. covering the subject area for landscape and maintenance purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit and right-of-entry form(s), as may be amended from time to time;

- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


fr _____
Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson
VER



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 22, 2014

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Rescind Prior Board Action of September 12, 1997, Item D-11, Issuance of a Revocable Permit to Office of Historic Preservation for Maintenance and Restoration Purposes, and Issuance of Revocable Permit to Kaupo Community Association, Inc. for Landscape, Maintenance and Community Center Purposes

Project / Reference No.: PSF No. 13MD-052

Project Location: Maalo-Kaumakalua, Kaupo, Hana, Maui, TMK: (2) 1-7-002:015

Project Description: General landscaping of parcel 015, maintenance of existing structures and use of the area for community meetings and other allied purposes such as Red-Cross disaster relief site.

Chap. 343 Trigger: Use of State Lands

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

Recommendation: It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


William J. Aila Jr., Chairperson

8/11/14
Date

Part MA10-KUMAKAUA, KAHOOLA MAUI

SUBJECT



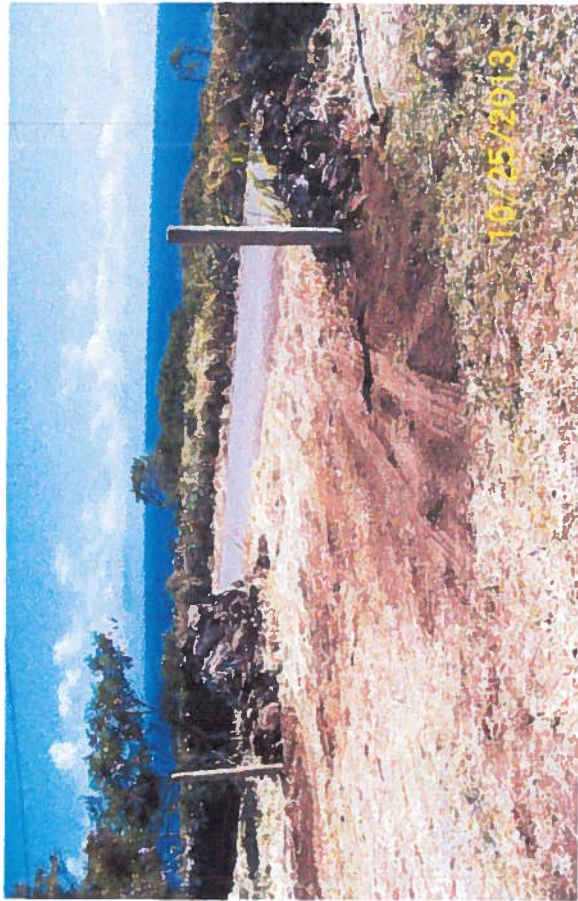
PLAT 01
 PLAT 02
 PLAT 03
 PLAT 04

SECOND DIVISION	1
ZONE SEC PLAT	7
CONTAINING PARCELS	02

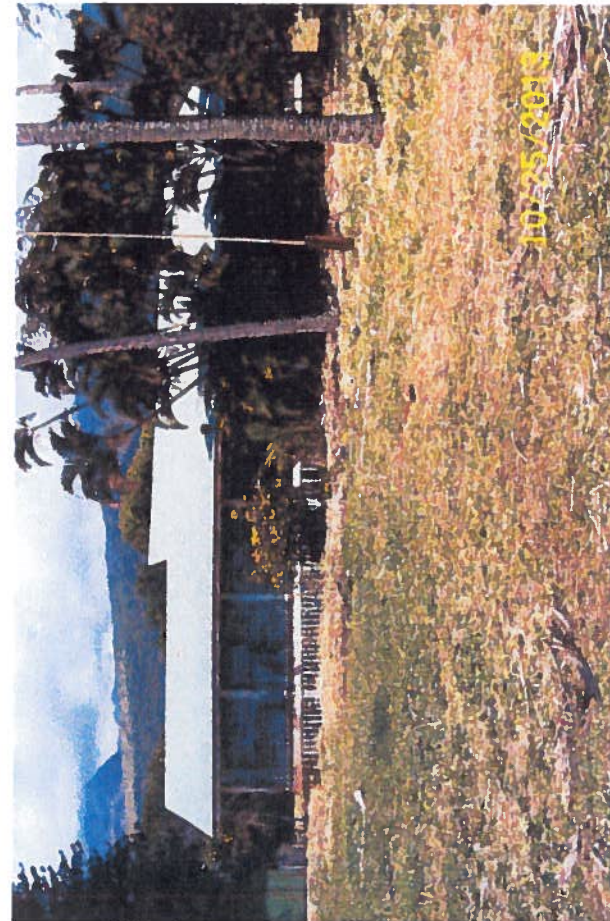
Scale 1 in. = 500 ft.

Photos taken: 10/25/2013

Kaupo School Lot, TMK: (2) 1-7-002:015



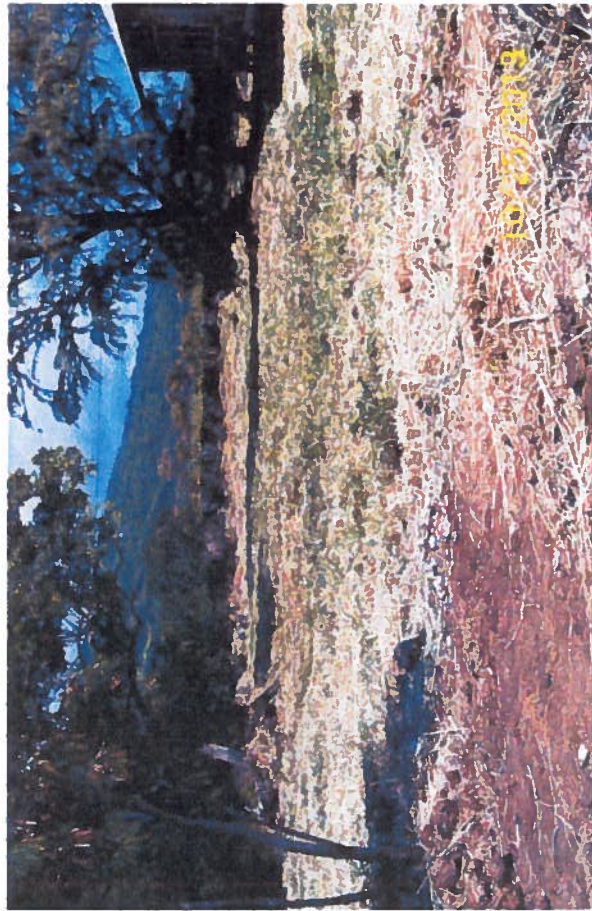
Photos taken from the front of the property near the main entrance way off of Piilani Hwy.



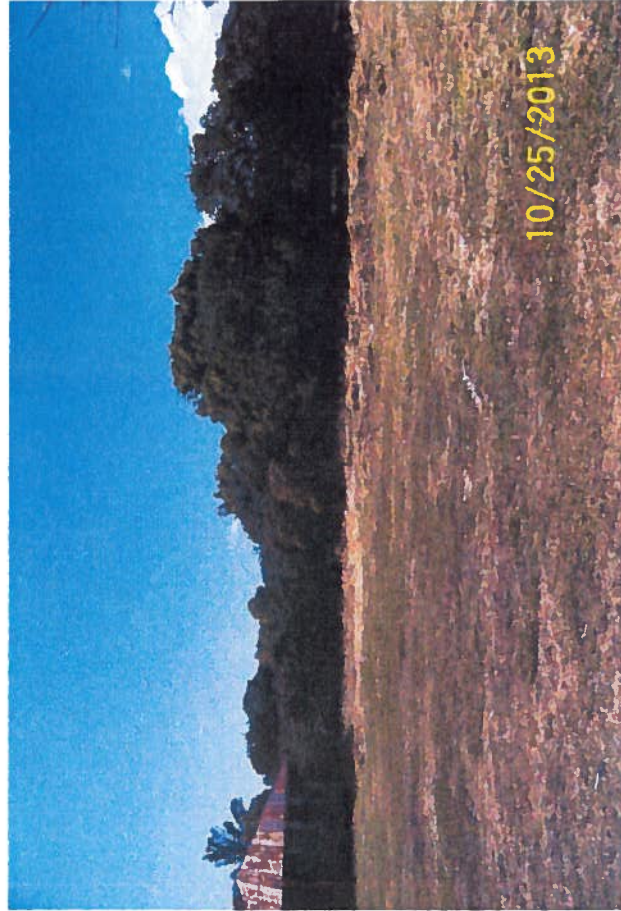
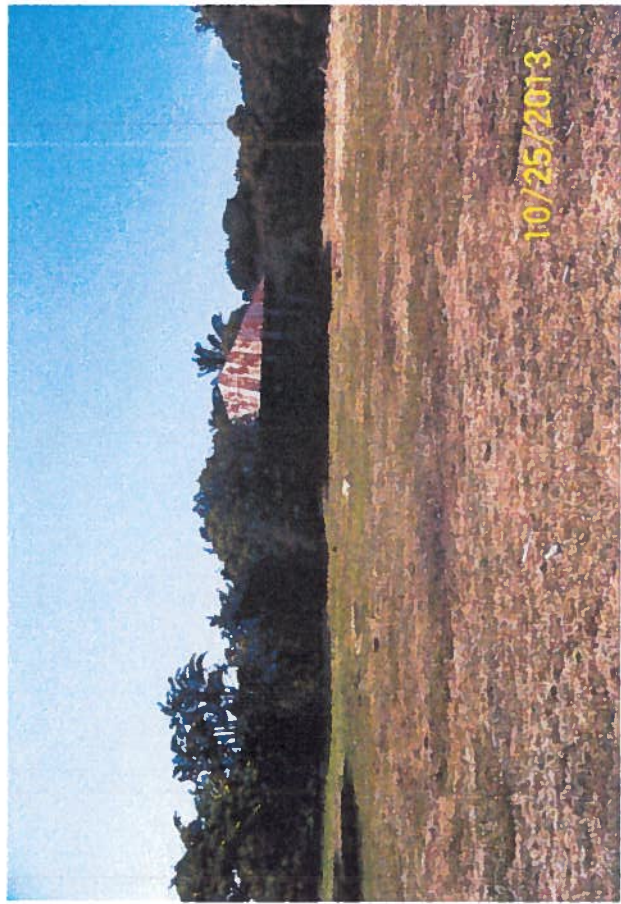
Photos taken: 10/25/2013



Kaupo School Lot, TMK: (2) 1-7-002:015



Photos of the old school house and the area to the rear of said structure.



Photos of the old teacher's cottage as seen from the entrance to the property.

Photos taken: 10/25/2013

Kaupo School Lot, TMK: (2) 1-7-002:015



Photos taken: 10/25/2013

Kaupo School Lot, TMK: (2) 1-7-002:015



Photos taken: 10/25/2013



Kaupo School Lot, TMK: (2) 1-7-002:015



Former teacher's cottage on the subject property